



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,174	04/07/2006	Yuki Miura	448252001600	6816
20872 7590 07/26/2011 MORRISON & FOERSTER LLP 425 MARKET STREET SAN FRANCISCO, CA 94105-2482			EXAMINER STORK, KYLE R	
			ART UNIT 2178	PAPER NUMBER
			NOTIFICATION DATE 07/26/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

drcaldwell@mofo.com
EOfficeSF@mofo.com
PatentDocket@mofo.com

Office Action Summary	Application No.	Applicant(s)	
	10/575,174	MIURA, YUKI	
	Examiner	Art Unit	
	KYLE STORK	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(c)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This non-final office action is in response to the RCE and amendment filed 11 April 2011.
2. Claims 1-19 are pending. Claims 1, 10, and 19 are independent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-9 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to independent claim 1, the applicant discloses a device information displaying system comprising “an information browser (line 3)” and a “device information provider (line 10).” Both the information browser and the device information provider comprise a plurality of units, such as an acquisition unit (lines 4 and 11), an analysis unit (line 5), a generation unit (lines 6 and 13), a rendering unit (line 7), and a providing unit (line 15). Each of these units appear to be implemented as software components. Therefore, the information browser and device information provider are software components. Similarly, the claimed system constitutes a software system. Software systems fail to define a process, machine, manufacture, or composition of matter, and instead define computer programs *per se*. For this reason, claim 1 is non-statutory.

Claims 2-9 fail to cure the deficiencies of independent claim 1. Claims 2-9 are similarly rejected.

With respect to claim 19, the applicant discloses an “information browser program product comprising a computer-readable medium (lines 1-2).” The broadest reasonable interpretation of this computer-readable medium includes both storage type media and transitory type media. Transitory type media have been held to be non-statutory. For this reason, the broadest reasonable interpretation of claim 19 is non-statutory. Therefore, claim 19 is non-statutory.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry et al. (EP 1286260, published 26 February 2003, hereafter Henry) and further in view of Beranek et al. (GB 2329309, published 17 March 1999, hereafter Beranek) and further in view of Ledru et al. (US 2004/0163090, filed 19 February 2003, hereafter Ledru)

As per independent claim 1, Henry discloses a device information displaying system for displaying device internal information of one or more information device, comprising:

an information browser (Figure 2, item 24) comprising:

an acquisition unit which acquires document data described in a markup language (Figure 2; paragraph 0031: Here, a PC (Figure 2, item 24) acquires a markup language document from a device (Figure 2, item 22)

a rendering unit which makes a display of the acquired document data (paragraphs 0031-0032)

a device information provider (Figure 2, item 22), comprising:

an acquisition unit which acquires the device internal information of the one or more information devices (Figure 2, items 21-22: Here, internal information is acquired from the VCR device (Figure 2, item 21) by the device provider (Figure 2, item 22)

a generation unit which generates a device information page containing layout content of the device internal information (Figure 2; paragraph 0031: Here, the information provided by the VCR device (Figure 2, item 21) to the device information provider (Figure 2, item 22) is converted to a web page)

a providing unit which provides the generated device information to the rendering unit of the information browser (Figure 2; paragraph 0031)

wherein the rendering unit makes a display of the device internal information based on the device information provided from the providing unit of the device information provider (Figure 2; paragraphs 0031-0032)

Henry fails to specifically disclose:

an information unit which analyses the acquired document data

a generation unit which generates a document based layout tree containing layout information of the acquired document data based on result of the analysis

a device-information layout tree

However, Beranek discloses:

an information unit which analyses the acquired document data (page 5, line 7- page 6, line 20; page 8, lines 9-17)

a generation unit which generates a document based layout tree containing layout information of the acquired document data based on result of the analysis (page 5, line 7- page 6, line 20; page 8, lines 9-17)

a device-information layout tree (page 5, line 7- page 6, line 20; page 8, lines 9-17)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Beranek with Henry, since it would have allowed a user to generate a document based upon a prescribed layout.

Henry further fails to specifically disclose the display not generating an HTML document. However, Ledru discloses the display not generating an HTML document (Figures 4 and 10). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Ledru with Henry, since it would have allowed a user to generate a display for devices incapable of displaying markup data.

As per dependent claim 2, Henry, Beranek, and Ledru disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Beranek further discloses wherein the device information provider has stylized data

Art Unit: 2178

corresponding to the type of information device to be used as a base of the device information based layout tree display (column 8, lines 9-17). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Beranek with Henry, since it would have allowed a user to stylize web page data.

As per dependent claim 3, Henry, Beranek, and Ledru disclose the limitations similar to those in claim 2, and the same rejection is incorporated herein. Beranek further discloses wherein the stylized data are prepared in multiple types corresponding to the types of the information devices (page 2, lines 9-20). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Beranek with Henry, since it would have allowed for display based upon the device type.

As per dependent claim 4, Henry, Beranek, and Ledru disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Henry further discloses wherein the device information provider further has a function of writing operation information, including at least one of setting information and control instruction, into the one or more information devices (paragraph 0032).

As per dependent claim 5, Henry, Beranek, and Ledru disclose the limitations similar to those in claim 4, and the same rejection is incorporated herein. Henry further discloses wherein the device information provider includes a device information interface which functions as an interface for receiving a request signal according to a prescribed procedure and executing the acquisition of the device internal information

from the one or more information devices and the writing of the operation information according to the request signal (paragraph 0032).

As per dependent claim 6, Henry, Beranek, and Ledru disclose the limitations similar to those in claim 5, and the same rejection is incorporated herein. Beranek further discloses, wherein:

the information browser and the device information provider are implemented in one information device (Figure 4)

the device information interface acquires the device internal information of the one information device (Figure 4; column 8, lines 9-17)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Beranek with Henry, since it would have allowed a user to access internal information of a single device.

As per dependent claim 7, Henry, Beranek, and Ledru disclose the limitations similar to those in claim 5, and the same rejection is incorporated herein. Henry further discloses wherein the device information interface is connected to the one or more information device via a wired and/or wireless network and acquires the device internal information from the one or more information devices via the network (Figure 2; paragraph 0029).

As per dependent claim 8, Henry, Beranek, and Ledru disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Henry further discloses wherein the one or more information devices include at least one of a cellular

phone, a home information appliance, and a vehicle-mounted device (Figure 2; paragraph 0029).

As per dependent claim 9, Henry, Beranek, and Ledru disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Henry further discloses wherein the device internal information includes at least one of information on the types of the information devices and information on peripheral devices of each of the one or more information devices (Figure 2; paragraph 0029).

As per claims 10-18, the applicant discloses the limitations similar to those in claims 1-9, respectively. Claims 10-18 are similarly rejected.

As per claim 19, the applicant discloses the limitations similar to those in claim 1. Claim 19 is similarly rejected.

Response to Arguments

7. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyle R Stork/
Primary Examiner, Art Unit 2178